

SERVICE DATE – MAY 17, 2017

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1242

**Hartwell First United Methodist Church – Adverse Abandonment and Discontinuance –
Hartwell Railroad Company and the Great Walton Railroad Company, Inc., in Hart
County, Ga.**

BACKGROUND

In this proceeding, Hartwell First United Methodist Church (Hartwell First) filed an application under 49 U.S.C. § 10903, requesting that the Surface Transportation Board (the Board) authorize the third-party or adverse abandonment and discontinuance of approximately .25 miles of rail line believed to be currently owned by the Great Walton Railroad Company, Inc. (the Railroad) in Hart County, Georgia.¹ The line proposed for abandonment is located between Athens Street to the end of the Hartwell Line beyond South Forest Avenue (the Line). A map depicting the Line in relationship to the area served is appended to this EA.

DESCRIPTION OF THE LINE

The Line is the stub end of a line of railroad between Milepost 0.0 at Hartwell, GA, and Milepost 9.63 at Bowersville, GA. Hartwell First states that the Line runs through an urban area and was originally constructed in the 1870's by the Hartwell Railway Company. Hartwell First also indicates that there is a station depot building located adjacent to the end of the Line. Hartwell First has filed for third-party or adverse abandonment and discontinuance because it owns property and buildings on both sides of the Line and wishes to develop these adjacent properties for additional facilities that will allow it to better serve the community of Hartwell through its ministries.

According to Hartwell First, the Line has not been used to provide local rail service for over 20 years. Hartwell First indicates that there are no longer railroad shippers located along the

¹ In a motion filed on April 18, 2017, Hartwell Railroad Company (HRC) states that the Great Walton Railroad Company, Inc. is the sole owner of the rail line and requests that it be dismissed as a party to this proceeding. Hartwell First agrees and does not oppose the request. (See HRC Mot. to Dismiss, Apr. 18, 2017; Hartwell First Reply to Mot. to Dismiss 2-3, May 2, 2017). HRC's motion to dismiss will be addressed in a subsequent Board decision. In this Environmental Assessment (EA), the owner of the rail line will be referred to as "the Railroad" because the Board has not yet issued its decision on HRC's motion.

Line because of changes in ownership of the adjoining properties and because the character of Hartwell has changed, and there is no longer a demand for service or any opportunities for new freight service. Hartwell First indicates that the Line is largely overgrown and the public crossings have been removed or paved over. In addition, Hartwell First states that the Railroad has entered into a 99-year lease for the right-of-way and adjacent property with TORCH, a non-profit corporation, for the development of a park, children's playground, farmer's market and walking trail.

ENVIRONMENTAL REVIEW

Hartwell First submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. Applicants served the environmental report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 CFR § 1105.7(b)].² The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to Hartwell First, no local freight has moved over the Line since 1996. Because there has been no traffic moving on the line for many years, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) commented that there is no prime farmland in the area of the proposed abandonment. In addition, NRCS stated that there are no watershed dams or NRCS easements in the area of the proposed abandonment.

² The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 1242.

The Georgia Department of Natural Resources, Wildlife Resources Division (WRD) indicated that it had no records of high priority species or habitats in the area of the proposed abandonment. As a result, WRD concluded that the proposed abandonment would not likely negatively impact high priority species or habitat.

The U.S. Fish and Wildlife Service (USFWS) commented that the proposed abandonment is not expected to significantly impact fish and wildlife resources under the jurisdiction of USFWS. Accordingly, no further review under the Endangered Species Act is required.

The National Geodetic Survey (NGS) commented that no geodetic survey markers are located within the area of the proposed abandonment. Therefore, no further consultation with NGS is necessary.

The Georgia Mountain Regional Commission (GMRC) commented that the proposed abandonment would be consistent with the state or regional goals, policies, plans, fiscal resources, criteria for development of regional impact, environmental impacts, federal executive orders, acts and/or rules and regulations with which GMRC is concerned.

The Georgia Department of Natural Resources, Coastal Resources Division commented that Hart County is not within Georgia's coastal zone, and the proposed abandonment would not have any reasonably foreseeable effects on coastal uses or resources. Accordingly, no mitigation related to coastal zone management is required or recommended.

OEA believes that any air emissions associated with abandonment activities would be temporary and would not have a significant impact on air quality. Noise associated with abandonment activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that abandonment activities would cause significant environmental impacts.

HISTORIC REVIEW

Hartwell First served the Historic Report on the Georgia Department of Natural Resources, Historic Preservation Division (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c). The SHPO commented that the Line is eligible for listing in the National Register of Historic Places (National Register) and that it runs through the National Register-listed Hartwell Commercial Historic District. In addition, the SHPO found numerous National Register-listed properties in the area of the proposed abandonment.

Accordingly, we are recommending a condition requiring Hartwell First and the Railroad to take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects (including track and track material) within the project right-of-way (the

Area of Potential Effect or APE) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Native American Graves Protection and Repatriation Act, Online Native American Consultation Database and the U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool,³ to identify federally-recognized tribes which may have ancestral connections to the project area. The search indicated that the Eastern Band of Cherokee Indians, the Muscogee (Creek) Nation, the Coushatta Tribe of Louisiana and the Alabama-Quassarte Tribal Town may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment. Accordingly, OEA is sending a copy of this EA to these tribes for their review and comment.

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

Hartwell First United Methodist Church (Hartwell First) and the Railroad shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. 306108, has been completed. Hartwell First and the Railroad shall report back to the Office of Environmental Analysis regarding any consultations with the State Historic Preservation Officer, any other Section 106 consulting parties, and the public. Hartwell First and the Railroad may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, if the recommended condition is imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

³ U.S. National NAGPRA Program (<https://grantsdev.cr.nps.gov/Nagpra/NACD/>); U.S. Department of Housing and Urban Development (<https://egis.hud.gov/tdat/Tribal.aspx>).

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

TRAILS USE

A request for a certificate of interim trail use (CITU) is due to the Board, with a copy to the railroad/applicant, within 10 days of the notice's publication in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29) and should address whether the issuance of a certificate of interim trail use in this case would be consistent with the grant of an adverse abandonment application.

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1242 in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.gov.

Date made available to the public: May 17, 2017.

Comment due date: June 14, 2017.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment